

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

December 09, 2024
10:00 A.M.

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IN RE:

Case No. 124-42707-ESS

Hon. ELIZABETH S. STONG

GJESHBITRAJ GJAFER,

NOTICE OF MOTION

Debtor. -----X

PLEASE TAKE NOTICE, that upon the within application, Richard P. Kirby, will move this court before the Hon. Elizabeth S. Stong, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at 271 Cadman Plaza East, Brooklyn, New York Courtroom 3585, on December 09, 2024 at 10:00 AM or as soon thereafter as counsel can be heard, for an order pursuant to Local Rule 2090-1(d) and for such other and further relief as may seem just and proper.

Unless the Court orders otherwise, the hearing on this withdraw as attorney application will be held telephonically and an in-person appearance at the Courthouse will not be required

To appear telephonically, please register your appearance at least two business days before the hearing. Dial-in instructions will be provided prior to the hearing. The web link for registering for a court hearing appearance is <https://ect.nyeb.uscourts.gov/cqibin/eCourtAppearances.pl> and instructions are posted on the Court's website at <https://www.nyeb.uscourts.gov/node/2126> **in the event that you are not able to register online,** you may call or email Judge Stong's courtroom deputy for instructions at (347) 394- 1864, ess_hearings@nyeb.uscourts.gov, at least two (2) business days prior to the hearing date.

Responsive papers shall be filed with the bankruptcy court and served upon the Richard P. Kirby, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Bankruptcy Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Melville, New York
November 19, 2024

/s/ Richard P. Kirby

Richard P. Kirby, Esq. Consumer
Law Attorneys
68 S. Service Road, Suite 100
Melville, NY 11747
516-577-7970

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

December 12, 2024, 10:00am

GJESHBITRAJ GJAFER,

Case No.124- 42707-ESS

Hon. ELIZABETH S. STONG

Debtor.

**APPLICATION TO BE
RELIEVED AS COUNSEL**

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TO THE HONORABLE ELIZABETH S. STONG U.S. BANKRUPTCY JUDGE

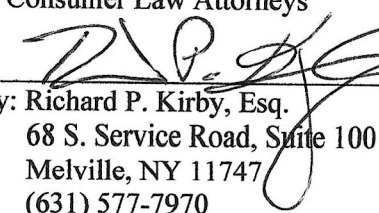
RICHARD P. KIRBY, being an attorney duly admitted in the State of New York and duly admitted to practice in the United States Bankruptcy Court for the Eastern District of New York, respectfully represents the following:

1. I am a member of Consumer Law Attorneys the attorneys for debtor Gjeshbitraj Gjafer (hereinafter referred to as Gjafer) in the above captioned Chapter 13 case. I am fully familiar with the proceedings in this matter. This application is submitted to be relieved as attorneys of record for the debtor pursuant to Local Rule 2090-1(d).
2. On or about Gjafer retained Consumer Law Attorneys to represent him in connection with the filing of the instant Chapter 13 proceeding pursuant to a written retainer agreement.
3. The petition is filed with this Court on June 26, 2024, and the section 341(a) meeting of creditors was scheduled for August 7, 2024.
4. Notice of Deficient Filing was issued June 29, 2024, with notice of failure to include, *inter alia*, *Certificate of Credit Counseling*, *Chapter 13 Plan* and *copies of Pay Statements*.
5. Final Notice of Sec. 521 Deficiencies was issued August 1, 2024, with notice of *Failure to provide Pay Statements*.
6. Gjafer required additional time to make required monthly payments to the Chapter 13 Trustee, and at the request of counsel for Gjafer, the Chapter 13 Trustee agreed to continue the 341(a) meeting to October 2, 2024.

7. On August 8, 2024, the Chapter 13 Trustee brought a motion to dismiss case returnable before this Court on September 23, 2024. The motion to dismiss was based upon debtor's failure to make payment to the Chapter 13 Trustee.
8. The Chapter 13 Trustee again at the request of counsel for Gjafer, consented to adjourn the 341(a) meeting of creditors to October 2, 2024, and further adjourned the 341(a) meeting to December 6, 2024.
9. On September 18, 2024, Gjafer tendered through the Chapter 13 Trustee's payment portal the monthly payments for July and August in the total sum of \$9,400.00. This payment was returned due to insufficient funds in Gjafer's account.
10. The Chapter 13 Trustee's Motion to Dismiss and the Confirmation Hearing were each on October 21, 2024, adjourned by the Court upon hearing to December 9, 2024.
11. Based upon discussion with Gjafer, your applicant understands Gjafer will consent to the relief requested herein and has no objection.
12. The undersigned attorney submits the attorney-client relationship herein is irretrievably broken, and the parties have a mutual desire to part ways.
13. The undersigned attorney has a fundamental disagreement and breakdown in communication with Gjafer regarding the debtor's intentions in this case and concerns regarding debtor's transparency regarding the petition.
14. Withdrawal as attorney for debtor will not result in prejudice to debtor. Gjafer informs his counsel he is in process of selling his home and his intention is not pursue a Chapter 13 plan.
15. It is respectfully submitted good cause is demonstrated for Consumer Law Attorneys by Richard P. Kirby to be permitted to withdraw as counsel for Gjafer in this Chapter 13 proceeding.

WHEREFORE, Consumer Law Attorneys by Richard P. Kirby, Esq respectfully requests it be permitted withdraw as counsel for debtor herein.

Dated: November 19, 2024
Melville, NY

Consumer Law Attorneys

By: Richard P. Kirby, Esq.
68 S. Service Road, Suite 100
Melville, NY 11747
(631) 577-7970

CASE NO: 124-42707-ESS

Hon. ELIZABETH S. STONG

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF NEW YORK

IN RE:

GJESHBITRAJ GJAFER

Debtor.

NOTICE OF MOTION AND APPLICATION TO BE RELIEVED AS ATTORNEY

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